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LEGAL ASPECT OF SUSTAINABLE DEVELOPMENT IN INDIA

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I. Introduction

The early 21st century has been an era marked by concerns regarding environmental degradation, social inequality, rapid industrial and economic growth, and globalization. These issues manifest continuously in the real world, leading to the exploitation of ecosystems and biodiversity while diminishing the quality of life for various forms of life.

In an interconnected world, the legal and ethical dimensions of sustainable development have not received as much attention as the concept of sustainable development itself. Adopting sustainable development practices alone is insufficient; it is also essential to consider the relevant legal aspects. Furthermore, nations possess diverse forms of governance and enshrine fundamental rights within their respective constitutions.

For the implementation of sustainable development, it requires an approach in which an authority oversees and reviews every process and stage—balancing the economic, social, and environmental pillars—and entails the active participation of individuals, businesses, communities, organizations, and governments.

II. Emergence of Sustainable development and Role of UN

The term Sustainable development is a concept that first emerged in The Brundtland Report, 1987 which published as a response to economic models based on limitless growth and warned of the adverse impact of rapid industrialization and economic growth leading to rapid environmental degradation. The term defined as *“Sustainable development is development that meets the needs of the present without*

compromising the ability of future generations to meet their own needs.” – The Brundtland report

Sustainable development is a holistic approach to social, economic, and environmental policies that takes into account the needs of future generations. It aims to build a balance between its 3 Pillars or 3 P's –

- Social (People): focused on Communities and society wellbeing; promoting equity and equality
- Environmental (Planet): focused on preservation of ecosystems and biodiversity and limiting exploitation of natural resources
- Economic (Profit): Involves ethical business practices, long term growth and economic practices that generate financial value while factoring in social and environmental cost

The balance was much needed due to over-exploitation of natural resources and creation of carbon emission at the same time leading to challenges such as climate change, water scarcity, and global inequality can be addressed – Recognizing the practical value of a healthy natural environment, including the importance of biodiversity.

III. India's perspective on sustainable development.

India has embraced and supports sustainable development, taking into account factors such as rapid industrialization, urban growth, environmental degradation, economic expansion, social issues, and community rights, as well as the creation of a just and peaceful society. While sustainable development is a concept that addresses social and economic challenges, India—as a recently independent developing nation—has placed particular emphasis on social and environmental values. In line with this commitment, India has implemented various public policies, programs, and sustainability initiatives to create an inclusive, resilient, and safe environment where communities can achieve economic growth without the indiscriminate exploitation of natural resources.

IV. Legal aspect of Sustainable development in India.

Development, in accordance with environmental legislation, is a process that seeks to achieve economic growth and social progress without harming or compromising the

needs of future generations. India's legal framework recognizes environmental rights, community rights, and the need for economic growth.

The Constitution of India establishes that protecting and improving the environment is a constitutional mandate. It represents the country's commitment to establishing itself as a welfare state. The Indian Constitution includes specific provisions for environmental protection and recognition within the chapters dedicated to the Directive Principles of State Policy and Fundamental Duties.

The Constitution of India has made a double provision:

(i) A directive to the State for protection and improvement of environment.

(ii) Imposing on every citizen in the form of fundamental duty to help in the preservation of natural environment. This is the testimony of Government's awareness of a problem of worldwide concern. Since protection of environment is now a fundamental duty of every citizen, it is natural that every individual should do it as personal obligation, merely by regulating the mode of his natural life. The citizen has simply to develop a habitual love for pollution. The Constitutional provisions.

Some of the provisions recognizing the right to the environment (encompassing preservation, protection, and fundamental obligations) are as follows:

- Article 48(A) – Protection and improvement of environment and safeguarding of forests and wild life The State shall endeavour to protect and improve the environment and to safeguard the forests and wild life of the country
- Article 51 (A) (g)- to protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures.
- Article 21 – Right to life
- National Green Tribunal Act, 2010 - Act to provide for the establishment of a National Green Tribunal for the effective and expeditious disposal of cases relating to environmental protection and Conservation of forests and other natural resources including enforcement of any legal right relating to environment and giving relief and compensation for damages to persons and property and for matters connected therewith or incidental thereto, and whereas

India is a party to the decisions taken at the United Nations Conference on the Human Environment held at Stockholm in June, 1972, in which India participated, calling upon the States to take appropriate steps for the protection and improvement of the human.

V. Conclusion

Implementing sustainable development as an approach or concept aimed at fostering a balance among three distinct pillars requires a supervisory legal framework. In India, sustainable development constitutes both a development goal and a legal obligation. The effective implementation of these legal regulations requires strengthened governance, greater public awareness, and the active participation of individuals, businesses, and local communities. India's commitment to the Sustainable Development Goals (SDGs) encompasses economic growth, ecological balance, and social progress through respect for and protection of indigenous cultures, the promotion of economic and social equality, and the responsive and transparent implementation of public policies.

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